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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,163	07/30/2003	Thomas Reiter	3389.2.4	7645
21552	7590	03/21/2005	EXAMINER	
MADSON & METCALF GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			FLEMING, FAYE M	
			ART UNIT	PAPER NUMBER
			3616	
DATE MAILED: 03/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/630,163

Applicant(s)

REITER, ET AL.

Examiner

Faye M. Fleming

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/30/03, 8/28/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9, 19 and 20 recites the limitation "the deflectors". There is insufficient antecedent basis for this limitation in the claim. The examiner notes in claim 1 there is only a recitation of "a deflector".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 7, 9, 10, 12, 14, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitagawa, et al. (5,312,131).

Kitagawa discloses an airbag system comprising at least two separate airbags 28, 30; a common gas generator 36; a deflector inserted therein 26; and a common housing arranged in the dashboard of the motor vehicle, wherein the at least two airbags are folded into the common housing. The at least two airbags are deployed from the common housing in the same direction, that is horizontal. The gas generator is

designed for a symmetrical outflow capacity at the outflow areas provided. The airbags are folded into the common housing with a substantially identical folding pattern. The airbags are made of the same material. The gas generator is designed for symmetrical outflow capacity at the outflow areas provided.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa, et al. (5,312,131) in view of Lutter (DE 19712511 A1).

Kitagawa teaches the claimed invention except an additional airbag folded into the common housing. Lutter teaches at least three airbags 4 folded in a common housing, as shown in figure 2. Based on the teachings of Lutter, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kitagawa to have an additional airbag to provide additional safety for an occupant during a collision.

7. Claims 5, 6, 8, 13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa, et al. (5,312,131) in view of Sinnhuber, et al. (5,556,128).

Kitagawa teaches the claimed invention except for airbags having different outflow capacities. Sinnhuber teaches airbags 8 and 9 having different outflow

capacities having common housing 5a, as shown in figure 3. Based on the teachings of Sinnhuber, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kitagawa to different outflow capacities for the airbags to provide additional protection for the occupant during a collision.

Kitagawa teaches the claimed invention except for two generators provided in common housing. Sinnhuber teaches two generators 6, 7 having common housing 5a, as shown in figure 1. Based on the teachings of Sinnhuber, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kitagawa to have two generators provided in common housing to provide additional protection for the occupant during a collision.

With respect to claim 13, Sinnhuber teaches the relaxation of each airbag compartment is established by selection of an airbag material having a predetermined gas permeability. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbags made of different materials, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa, et al. (5,312,131) in view of Albright, et al. (5,492,367).

Kitagawa teaches the claimed invention except for airbags having a different folding pattern. Albright teaches a method of folding an airbag wherein the airbag has an upper portion and a lower portion and each portion has a different fold. Based on the teachings of Albright, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbags folded differently to control the deployment of the airbags during a collision.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Faye M. Fleming 03/06/05  
Primary Examiner  
Art Unit 3616

fmf